

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISON**

JOSE ALBINO LUCERO, JR., on Behalf of
Himself and all Others Similarly Situated,

Plaintiff,

v.

SOLARCITY CORP.,

Defendant.

Misc. Civil Action No.
3:17-mc-00005-M-BF

**DECLARATION OF CHRISTINA GUEROLA SARCHIO IN SUPPORT OF
SOLARCITY CORP'S OPPOSITION TO PLAINTIFF'S MOTION TO QUASH AND
FOR A PROTECTIVE ORDER**

I, Christina G. Sarchio, declare:

1. I am an attorney licensed to practice law in the District of Columbia and am a partner at Orrick, Herrington & Sutcliffe LLP, counsel for Defendant SolarCity Corp. ("SolarCity"). I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently to those facts.

2. SolarCity first served its Notice of Deposition for George Morris on Plaintiffs' counsel, Joshua Arisohn, on October 19, 2016 for the deposition to take place on November 16, 2016, in Dallas, Texas. The notice was served after a discussion among counsel on mutually convenient dates as well as Mr. Morris' preference for the deposition to take place near his home in Texas.

3. Attached hereto as **Exhibit A** is a true and correct copy of Defendant's Notice of Deposition to Plaintiff George Morris.
4. Attached hereto as **Exhibit B** is a true and correct copy of an e-mail exchange between Joshua Arisohn, counsel for Plaintiff, and myself on Monday, November 14, 2016.
5. Plaintiff Morris filed a notice of voluntary dismissal without prejudice on November 15, 2016. Dkt. No. 90.
6. Attached hereto as **Exhibit C** are true and correct copies of e-mails I sent to Joshua Arisohn, counsel for Plaintiff, dated Tuesday, November 15, 2016; Tuesday, November 22, 2016; and Wednesday, December 7, 2016.
7. Attached hereto as **Exhibit D** is a true and correct copy of an e-mail exchange between Joshua Arisohn, counsel for Plaintiff, and myself on Friday, December 9, 2016.
8. Attached hereto as **Exhibit E** is a true and correct copy of an e-mail exchange between Joshua Arisohn, counsel for Plaintiff, and myself on Wednesday, December 21, 2016 and Thursday, December 22, 2016.
9. Attached hereto as **Exhibit F** is a true and correct copy of an e-mail I sent to Joshua Arisohn, counsel for Plaintiff, on Wednesday, December 28, 2016, in which I provided Mr. Arisohn with a copy of the Joint Letter Brief with Defendant's position on the motion to compel Mr. Morris' deposition and with placeholders for him to add Plaintiff's positions if he planned to oppose the motion.
10. Attached hereto as **Exhibit G** is a true and correct copy of an e-mail exchange between Joshua Arisohn, counsel for Plaintiff, and myself on Wednesday, December 28; Thursday, December 29; and Saturday, December 31, scheduling a meet and confer regarding SolarCity's motion to compel.

11. On January 3, 2017, Jason Wu, counsel for Defendant, and I met and conferred with Mr. Arisohn regarding our ongoing request to re-schedule Mr. Morris' deposition. After outlining our legal position consistent with what had been included in the draft Joint Letter Brief provided to counsel the week before, Mr. Arisohn stated that he had cases to the contrary, but failed to reveal the names of those cases. The parties ended the call with Mr. Arisohn stating that he would ask Mr. Morris if he wished to sit for the deposition and would inform us of Mr. Morris' response in the next day or so. Mr. Wu indicated that, in light of the deadline for SolarCity to file its Opposition to the Motion for Class Certification, we would need to file our letter to the court on Thursday, January 5, 2017, if we did not hear back from Mr. Arisohn.

12. Attached hereto as **Exhibit H** is a true and correct copy of an e-mail from Joshua Arisohn, counsel for Plaintiff, to me on Thursday, January 5, reaffirming that Mr. Morris would not sit for deposition.

13. Attached hereto as **Exhibit I** is a true and correct copy of the Docket in *Lucero v. SolarCity Corp.*, No. 3:15-cv-05107-RS-EDL (N.D. Cal.) (Seeborg, R.) as of the date of this filing.

14. SolarCity's Opposition to Plaintiff's Motion for Class Certification was due on Thursday, January 26, 2017.

15. The hearing on Plaintiff's Motion for Class Certification is scheduled for Thursday, March 9, 2017.

16. Attached hereto as **Exhibit J** is a true and correct copy of the Wednesday, January 11, 2017 Order issued by United States Magistrate Judge Laporte in response to SolarCity's Motion to Compel.

17. Attached hereto as **Exhibit K** is true and correct copy of an e-mail I sent to Joshua Arisohn, counsel for Plaintiff, on Wednesday, January 11, 2017.

18. Attached hereto as **Exhibit L** is true and correct copy of an e-mail exchange between Karen Greer, a secretary from my firm, Joshua Arisohn, counsel for Plaintiff, Jonathan Direnfeld, counsel for Defendant, and myself on Tuesday, January 17, 2017; Wednesday, January 18, 2017; and Monday, January 23, 2017.

19. Attached hereto as **Exhibit M** is a true and correct copy of the invoice my firm received from Aptus Court Reporting for court reporting and videographer cancellation fees in connection with the Morris deposition scheduled for January 23, 2017.

20. SolarCity has incurred legal fees for preparing its Opposition to Mr. Morris's Motion to Quash. Lacey Bangle, an associate at my firm, has spent approximately 26.7 hours at a rate of \$569.50 per hour preparing Solar City's Opposition to the Motion to Quash and supporting documents. I have spent approximately 4.2 hours at a rate of \$760.75 per hour preparing Solar City's Opposition and supporting documents.

21. Attached hereto as **Exhibit N** is a true and correct copy of the original complaint filed in *Lucero v. SolarCity Corp.*, No. 3:15-cv-05107-RS-EDL (N.D. Cal.) (Seeborg, R.).

22. Attached hereto as **Exhibit O** is a true and correct copy of Plaintiff's Memorandum of Points and Authorities in Support of his Motion for Class Certification filed in *Lucero v. SolarCity Corp.*, No. 3:15-cv-05107-RS-EDL (N.D. Cal.) (Seeborg, R.).

23. Attached hereto as **Exhibit P** is a true and correct copy of a docket report obtained from Justice of the Peace Precinct 3-1 (Collin County, Texas), available at <https://cijspub.co.collin.tx.us/default.aspx>, showing 31 small claims cases filed by George Morris.

24. As of the filing of this opposition, Mr. Morris has failed to attend his deposition or provide alternate dates for his deposition.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 2, 2017

By: /s/ Christina G. Sarchio

Christina Guerola Sarchio